Previous references.

1905-06.
(Confl.)

File No. 301.

Serial Nos. 165

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 165

Part B. for June 1906

SUBJECT.-

Examination on commission of Mr. Y. Srinivasa Rao, Executive Engineer, who has to attend the Sessions Court at Mangalore as a witness in a criminal case.

FILE No. 301 of 1905-06.

Commission for the examination of Mr. Y. Srinivasa Rao, Executive Engineer, who has to attend the Sessions Court at Mangalore as a witness in a criminal case.

1 From the Chief Engineer in Mysore, letter No. 3413, dated the 21st May 1906.
Reports that Mr. Y. Srinivasa Rao has been summoned to attend the Sessions Court at Mangalore as a witness in a criminal case and requests that arrangements may be made to have his evidence taken by a local Court as he is at present employed in the investigation of an important irrigation project and his absence will interfere with his work.

2 From the same, No. 3498, dated the 25th May 1906.
Requests that the evidence of M. Kuppu Rao, mutsaddi of the Victoria Hospital Sub-Division, who has been summoned along with Mr. Y. Srinivasa Rao as a witness in the same, may be arranged to be taken at Bangalore.

3 To the First Assistant to the Resident in Mysore, Pol. No. 948, dated the 26th May 1906.
Intimates the above and requests that under the circumstances represented the Sessions Judge at Mangalore may be kindly moved to issue a commission for the examination of Mr. Y. Srinivasa Rao and mutsaddi Kuppu Rao at Bangalore under Section 503 (2) of the Criminal Procedure Code.

4 From the First Assistant Resident, No. 3209, dated 2nd June 1906.
States that it seems highly improbable that any British Court would consent to the issue of a commission for examination of witnesses, a course but rarely resorted to, and suggests that the best way would be to instruct the witnesses themselves to appear by Vakil before the Court concerned.

5 To the Chief Engineer, camp No. E, dated 7th June 1906.
Forwards copy of Serial No. 4 above, and states that under the circumstances Government do not deem it expedient to pursue the matter further and requests that Mr. Srinivasa Rao and mutsaddi Kuppu Rao may be instructed to proceed to Mangalore.

62

G. R. S. 11] 1905-06.

GENERAL AND REVENUE SECRETARIAT

(III. Courts)

NOTES.

File. No 30

FILE HEADING.

Commission for the examination of Mr. Y. Srinivasa Rao Executive Engineer, who has to attend the Sessions Court at ~~Nag~~ Mangalore as a witness in a criminal case.

From

The Chief Engineer in Mysore.

No. 3413 Dated 21-5-06 Received 23-5-06.

Diary No. 2951	Enclos. 2	Spare Copies. -	Serial No.

BRIEF ABSTRACT OF LETTER.

Reports that Mr. Y. Srinivasa Rao has been summoned to attend the Sessions Court at Mangalore as a witness in a criminal case and requests that arrangements may be made to have his examination conducted by a local Court as Mr. S. Rao is employed on the investigation of an important irrigation project and his absence will interfere with his work

NOTES AND ORDERS.

The Sessions Judge may issue a commission under Section 503, sub-section (a) of the Cr. P. Code when the examination can be conducted by a local Court. A draft to the Residency

fortnp

Copy for rep

Record in B

9-6-06

NOTES—First sheet. 25/5/06 25-5-06 25.5.06

MGCPB—30,000—17-2-05

G.R.S. 12]

General and Revenue Secretariat. | Cs File No. 301 of 1905-06

Serial No.

2) In the mean while & before the Submission of the draft to the Secretary, the following letter has been received

1. From the Chief Engineer No. 3498 d: 25-5-06.

Requests that the Evidence of Mutsaddi Kuppu Rao who has also been summoned to Mangalore may be arranged to be taken at Bangalore as in the case of Mr. Y. Srinivasa Rao.

3) Submit with a fresh draft to the Resident

SV 26/5/06 RLL 26-5-06 26.5.06

4) Yes. 26.5.1906

Suggestion submitted 26-5-06

3. To the D.A. Resident, Pd: No. 948 dated the 26th May 1906.

Intimates the above and requests that under the circumstances represented the Sessions Judge at Mangalore may be kindly moved to issue a commission for the examination of Mr Y. Srinivasa Rao & Mutsaddi Kuppu Rao at Bangalore under Sec: 503 (2) of the Cri Pro. Code.

4. From the D.A. Resident in Mysore, No. 3209 dated the 2nd June 1906.

States that it appears to the Resident highly improbable that any British Court would

NOTE—Contn. sheet

GPB—50,000—23 10-05

No 3384
Revd -

Urgent. 2nd June 1906

To

M Singaravalu Modliar, Esq.

Chief Assistant to the Chief

Engineer in Mysore.

Dear Sir,

6) In the matter of the reference noted below made by the Chief Engineer requesting that the Sessions Judge at Man-galore be moved to issue a commission for the examination of Mr.Y.Srenivasa Rao & M. Kuppu Rao Mutsaddi at Bangalore.

The Residency was asked to move the Court in the matter. The First Asst. Resident

Resident's reply just received shows that the Resident is unwilling to do so . The official reply to the Chief Engineer's letter communicating the Resident's views will be despatched in due course. As the date fixed for the appearance of Messrs Srinivasa Rao and Kuppu Rao before the Court is the 8th instant and as it is likely that the Chief Engineer and the Deputy Chief Engineer have gone to Mysore, I have addressed this to you so that no time may be lost in informing the witnesses to proceed to Mangalore and appear before the Court on the date fixed.

Yours sincerely

Sd/ B.Ramaswamiengar.

Sr. Asst. Comr. on Duty in the Secretariat.

Rw & Genl.

No.3413 d.21-5-06 & No.3498 d.25-5-06.

G.R.S. 12]

General and Revenue Secretariat.

GS File No. 301 of 1905

Serial No.	
	Consent to the issue of a Commission for the Examination of Mr. Y. Srinivasa Rao & another at Bangalore and that if the Bench consider the case to be a strong enough the proper course would appear to be for them to instruct a Vakil to appear in this behalf before the Court of Sessions judge of Mangalore.
	5) Subd with a draft letter to Chief Engineer intimating the above.
	SN 2-6-06
	2.6.06
	2-6-06

Subd
As the matter is urgent, the draft may be issued at once from here & send subd to accompany personal letter under

SN 2/6/06

I have written a D.O. letter to Chief Engineer

2/6/06

GPB—50,000—23 10-1

G.R.S. 12]
General and Revenue Secretariat.

CG File No. 307 of 1905-06.

Serial No.	
	7) Some draft-as returned by the advocate
	8) The revised draft appears to have been copied from Camp Mysore, as a camp number has been given to the original.
5.	To the Chief Engineer in Mysore, No. 2, Camp Mysore, 8-7-6-06. Forwards copy of Serial No. 5 for information & states that Govt think it inexpedient, under the circumstances, to pursue the matter further, & that the officers may be directed to appear before the Mangalore Court

MGCPB—20,000—1-11-04.

V 1957

CS 304-05
S-IV-1

Mysore Public Works Department,

No. 3413 Central Office,

Dated Bangalore 21st May 1906.

From,

W,Mc Hutchin Esquire,M.I.C.E.,

Chief Engineer of Mysore.

To,

B.K.Venkata Varada Iyengar Esquire,

Secretary to the Government

of H.H.the Maharajah of Mysore,

General and Revenue Departments.

Sir,

I have the honor to forward the enclosed copy of lette dated the 17th instant from Mr.Y.Srinivasa Rao,Executive Engineer (together with its enclosures) asking for permission to attend the Court of the Sessions Judge at Mangalore as a witness in a criminal case,and to request that you will be so good as to move the Sessions Judge through the Residency to have Mr.Srini--vasa Rao's evidence taken by the local Court,as it is under--stood that such a procedure is permissible in case where officers are summoned to go to a distant place,as in the present instance. Moreover Mr.Srinivasa Rao is at present employed on the investigation of an important irrigation project,and his absence will interfere with his work.

I have the honor to be,

Sir,

Your most obedient servant,

Bernard Dawes Lieut.R.E

Deputy Chief Engineer of Mysore

As

IV Rey on. b. No: 470/06

Stationary Sub Magistrate's Office
Puttur, dated 3rd May 06.

From

The Stationary Third Class Magistrate
of Uppinangadi Taluk, South Canara.

To,

The Chief Engineer,
Mysore Government.

Sir,

In forwarding herewith 2 Draft Bonds one to be executed by M. R. Ry. Y. Shrinivasa Rau Avl: Superintending Engineer, Bangalore. and the other by M. Kuppoo Row, Mutsuddy D. P. W. Victoria Hospital, Bangalore, I have the honor to request that you will be so good as to cause the same to be signed by them with date and to return the Bonds to this office as early as practicable.

I have &c

sd.

Ag Stationary IIIrd Class Magistrate

No 2999

Forwarded to the superintending Engineer Eastern Circle for favor of disposal

(sd) Bernard Dames, Lt: R.E.
Deputy Chief Engineer,
of Mysore.

No: 2607 dated 15th May 1906.

Copy forwarded to Executive Engineer Mr: A. Srinivasa Rao, with one bond for favor of signature and return

Encl / draft bond

Camp - Hoskote
12/5/06.

Superintending Engineer.
EASTERN CIRCLE

Letter dated 17th May'06 from Mr. Y. Sreenivasa Rao, Executive Engineer, to the Chief Engineer of Mysore.

I have the honour to submit for your information in original Eastern Circle Superintending Engineer's No. 2607 of 15th instant and to inform that I have returned the bond, forming its enclosure, duly signed binding me to appear before the Sessions Judge at Mangalore on the 8th proximo. I beg your permission to do so.

2. The practice in such cases appears to be that the Officer is considered to be on duty during his absence but draws no Travelling Allowance, which however, will be paid by the Court requiring his presence.

"Copy"

pr Engineer

For Deputy Chief Engineer
of Mysore

Soon

Civil No 507 of 05-
Serial No 2.

5

J 2977

No. 3498

Mysore Public Works Department,
Central Office,
Dated Bangalore 25th May 1906.

From,

W.Mc Hutchin Esquire, M.I.C.E.,
Chief Engineer of Mysore.

To,

B.K.Venkata Varada Iyengar Esquire,
Secretary to the Government
of H.H.the Maharajah of Mysore,
General and Revenue Departments.

Sir,

In continuation of this office No.3413 of the 21st instant, I have the honor to inform you that M.Kuppu Rao, Mutsaddi of the Victoria Hospital Sub Division of the Bangalore Division, has also been summoned to appear before the Sessions Judge at Mangalore as a witness in the criminal case in which Mr.Y.Srini-vasa Rao, Executive Engineer has been cited as a witness. In moving the Sessions Judge to have Mr.Srinivasa Rao's evidence taken by the local court, it is requested that the same concession be extended to the Mutsaddi.

2. As these witnesses are required to be at Mangalore on the 8th proxime, I request that early instructions be obtained in the matter, as otherwise they will have to start from Bangalore on the 4th idem.

I have the honor to be,
Sir,
Your most obedient servant,

Lieut.R.E
For Chief Engineer of Mysore.

A.24

From

THE CHIEF ENGINEER OF MYSORE,
BANGALORE.

To

The Secretary to Government
General and Revenue Departments.

Dated
Bangalore 25-5-1906
Despatched

Received

General No. 3498
No.

Enclosure No.

---

to arrange
Requesting to have Mudsaddi Kuppu Rao's evidence ~~to~~ taken in any of the Local courts as in the case of Mr.Y.Srinivasa Rao already referred to at an early date.

G.R.S. 48]

GOVERNMENT OF H. H. THE MAHARAJA OF MYSORE.

GENERAL & REVENUE SECRETARIAT.

Dated Bangalore 26 May.....190 6.

From

B. K. VENKATA VARADA IYENGAR, ESQ.,

Secretary to the Government of H. H. the Maharaja of Mysore,

General & Revenue Department.

To

R. C. H. MOSS-KING, ESQ., I.C.S.,

First Assistant to the Hon'ble the Resident in Mysore.

SIR,

I am directed to state that Mr.Y Sreenivasa Rao, Executive Engineer in the Mysore State, and M. Kuppu Rao, Mutsaddi of the Victoria Hospital Sub Division, have been summoned to attend the Court of the Sessions Judge at Mangalore as witnesses in a criminal case on the 8th of June 1906, and that the former being at present employed on the investigation of an important irrigation project cannot attend the Court without prejudice to his work.

2. I am to request therefore that the Sessions Judge at Mangalore may be kindly moved to issue a commission ~~to the Hon'ble the Resident in Mysore~~ for the examination of Mr. Sreenivasa Rao ~~as well as of~~ & mutsaddi Kuppu Rao at Bangalore under section 503 (2) of the Criminal Procedure Code.

I have the honor to be,

Sir,

Your most obedient servant,

Secretary.

MGCPB-4.900-24.2.05

111 June 2/6

30/05
Ds S104

7

No. 3209

J 3070

FROM

R. C. H. MOSS KING, ESQ., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

Pol no 1996 Dy 2.6.06

To

The Dewan of Mysore.

Dated Bangalore, 2nd ~~January~~ June 1906.

SIR,

I am directed to acknowledge the receipt of Mr. Venkatavaradiengar's letter Pol No.948, dated 26th May 1906, requesting that the Sessions Court of Mangalore may be moved to issue a Commission for the examination at Bangalore of Mr. Srinivasa Rao and Mutsaddi Kuppa Rao who have been summoned as witnesses in a criminal case pending before that Court.

2. In reply I am to say that, on the facts stated in the letter under acknowledgment, it appears to the Resident to be highly improbable that any British Court would consent to the issue of a Commission for the examination of these two officers (in the case of Mr. M.Kuppa Rao no reasons at all are set forth such as are contemplated by Section 503 Criminal Procedure Code) having regard to the principle that the taking of evidence on commission in criminal cases ought to be most sparingly resorted only in extreme cases of delay, expense or inconvenience. In any case, such reasons as may exist in the present instance are not based upon any political circumstances as to which the Court might require a representation from the Resident, and consequently, if the Government of Mysore consider the case to be a strong enough one for them to pursue in the public interests on behalf of the

two officials, the proper course would appear to be for the Durbar to instruct a Vakil to appear in this behalf before the Court of the Sessions Judge of Mangalore.

I have the honour to be,

Sir,

Your most obedient servant,

First Assistant Resident.

19

9

Fair draft - File No 301 of 05
Serial No. -

Letter No. 2209, dated the 2nd June 1906, from the First Assistant to the Hon'ble the Resident in Mysore to the Dewan of Mysore.

I am directed to acknowledge the receipt of Mr. Venkata Varada Iyengar's letter Pol. No. 948, dated 28th May 1906, requesting that the Sessions court of Mangalore may be moved to issue a Commission for the examination at Bangalore of Mr. Sreenivasa Row and Mutsaddi Kuppu Row who have been summoned as witnesses in a criminal case pending before that court.

2. In reply I am to say that, on the facts stated in the letter under acknowledgement, it appears to the Resident to be highly improbable that any British court would consent to issue of a commission for the examination of these two officers (in the case of Mr. M. Kuppu Row no reasons at all are set forth such as are contemplated by Section 503, Criminal Procedure Code), having regard to the principle that the taking of evidence on commission in criminal cases ought to be most sparingly resorted to only in extreme cases of delay, expense or inconvenience. In any case, such reasons as may exist in the present instance are not based upon any political circumstances as to which the court might require a representation from the Resident, and consequently if the Government of Mysore consider the case to be a strong enough one for them to pursue in the public interests on behalf of the two officials, the proper course would be for the Durbar to instruct ----------

for the Durbar to intruct a Vakil to appear in this behalf before the Court of the Sessions Juoge of Mangalore.

The General and Revenue Secretariat.

Camp Mysore. Dated the 7th June 1906.

No. C-Courts 7301 of 1905-06-Sl5.

Copy forwarded to the Chief Engineer of Mysore with reference to his letters Nos. 2419 and 2488 of the 21st and 25th May 1906, and with the remark that under the circumstances set forth in the Resident's letter the Government do not consider it expedient to pursue the matter any further, and that Mr. Sreenivasa Row and the Mutsaddi may be instructed to appear before the court on the date fixed in the summons.

8-6-06

By order.

For Secretary.